

LYNDHURST - 1975
COMBINED TOTALS - TRUCKS - CUBIC YARDS - TONNAGE

	MONTH	WORK DAYS	TRUCKS	DAILY AVERAGE	CUBIC YARDS	TONNAGE ÷ 2000 lbs.	USING 21 CU. YD.
1							
2	JANUARY	26	7301	280	20851.1	49241	50986
3							
4	FEBRUARY	24	6444	268	18539.5	43783	45273
5							
6	MARCH	26	7757	298	23225.8	52008	53871
7							
8	APRIL	26	8905	343	24645.8	57685	60114
9					10699.9		
10	MAY	26	11603	254	16365.4	36943	39915
11							
12	JUNE	25	5502	220	12873.9	30214	31340
13							
14	JULY	26	5609	216	13455.8	31567	32819
15							
16	AUG	26	5385	207	12805.5	30001	31354
17							
18	SEPT	26	5255	202	12777.5	30035	31153
19							
20	OCT.	27	5717	220	13902.2	32679	35922
21							
22	NOV.	22	4909	205	12145.5	29763	29661
23							
24	DEC	27	5201	193	12822.7	30407	31275
25							
26							
27					TOTAL	453326	
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EXCEPTIONS TO EXAMINERS REPORT

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NEW JERSEY BOARD OF PUBLIC
UTILITY COMMISSIONERS

IN THE MATTER OF THE SCHEDULES
FILED BY BERGEN COUNTY SANITARY
LANDFILL DEPARTMENT, COUNTY OF
BERGEN, INCREASING RATES AND
CHARGES FOR SANITARY LANDFILL
SERVICE.

DOCKET NO. 7612-1187

DOCKET NO. 724-360
711-16

IN THE MATTER OF THE DISPOSITION
OF AN ESCROW ACCOUNT AND
INCREASES IN RATES BY BERGEN
COUNTY LANDFILL.

EXCEPTIONS TO EXAMINERS
REPORT AND RECOMMENDATION

Intervenors; Capasso Brothers, Impac Inc., Ralph
Marangi, Inc., Joe Di Rese & Sons, O. Schaper Disposal,
Vito Stamato & Co., Inc. and W. A. Carey, et als, submit
herewith the following exceptions to the Report and Rec-
ommendation of the Hearing Examiner, dated March 31, 1978
and served upon the attorney for the intervenors on April
20, 1978.

1. In the interest of brevity and rather than
to complicate the issues before this Board, the Intervenors
adopt the arguments of Rate Counsel as filed in Rate Counsel's
Brief dated July 18, 1977, and further, adopts the Exceptions
of the Intervenors C & A Carbone Private Sanitation of New
Jersey, Inc., et als insofar as such Brief and Exceptions

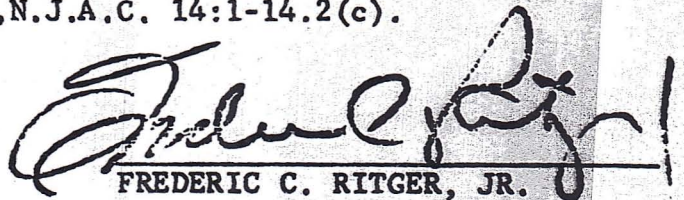
PLEASE TAKE NOTICE that the undersigned on behalf of
Impac, Inc., a corporation of the State of New Jersey, Route
17-S-122, Paramus, New Jersey 07652; William A. Carey Company, Inc.,
a corporation of the State of New Jersey, 80 Liberty Street,
Passaic, New Jersey 07055; Ralph Marangi, Inc., a corporation 10
of the State of New Jersey, 315 14th Street, Carlstadt, New
Jersey 07022; Schaper Disposal Works, Inc., a corporation of
the State of New Jersey, 101 Midland Avenue, Midland Park,
New Jersey 07432; Vito Stamato & Co., Inc., a corporation of 20
the State of New Jersey, 76 Sidney Street, Lodi, New Jersey 07644;
L. Pucillo & Sons, Inc., a corporation of the State of New Jersey,
Route 46, Lodi, New Jersey 07644; 3-D Services Co., Inc.,
a corporation of the State of New Jersey, 319 Pleasant Avenue,
Hackensack, New Jersey 07601; Browning-Ferris Industries of 30
North Jersey, Inc. (formerly Pinrose Co., Inc.), a corporation
of the State of New Jersey, 54 Montesano Road, Fairfield, New
Jersey 07006; A.A. Mastrangelo, Inc., a corporation of the State
of New Jersey, 756 Fairview Avenue, Fairview, New Jersey 07022; 40
Joe DiRese & Sons, Inc., a corporation of the State of New
Jersey, P.O. Box 78, Cresskill, New Jersey 07626; Capasso Bros.,
a partnership, 118 Prospect Street, Ridgewood, New Jersey 07451,
appellants, APPEALS to the Superior Court of New Jersey, Appellate 50

Division from the Order entered by the Board of Public Utility Commissioners on June 8, 1978 and served upon the attorney for the appellants on June 26, 1978, by which Order the Board adopted the hearing examiner's report and recommendation issued March 31, 1978 granting Bergen County a rate increase for sanitary landfill services determining rate base, cost of capital, required return, test year deficit, revenue deficiency, total revenue requirement and estimated tariff cost per cubic yard and disposition of principal and interest in certain funds collected by Bergen County and required by Order of the Superior Court of New Jersey to be held by Bergen County in escrow from January, 1971 through the date of the Order of the Board of Public Utility Commissioners.

The appellants joined in a motion for rehearing and reconsideration pursuant to N.J.A.C. 14:1-14.1 on July 8, 1978 addressed to the Order of the Board of Public Utility Commissioners as aforesaid. The Board of Public Utility Commissioners, not having acted upon the aforesaid motion within 60 days, it is deemed denied, N.J.A.C. 14:1-14.2(c).

I hereby certify that this is a true and correct copy of the original in my office.

Deborah L. [illegible]
[illegible]



FREDERIC C. RITGER, JR.
Attorney for above-named appellants.

DATED: October 19, 1978

NOTICE is hereby given that A. Capone Sanitation, a corporation of the State of New Jersey, with offices at 178 River Street, Paterson, New Jersey; C & A Carbone Private Sanitation of New Jersey, Inc., a corporation of the State of New Jersey, with offices at Page & Schuyler Avenues, Lyndhurst, New Jersey; Carmine Franco & Co., Inc., a corporation of the State of New Jersey, with offices at 131 Patterson Street, Hillsdale, New Jersey; J. Cilano Sanitation Service, a corporation of the State of New Jersey, with offices at 19 Ise Street, South Hackensack, New Jersey; DiBella Sanitation, a corporation of the State of New Jersey, with its offices at 87 Madison Avenue, Park Ridge, New Jersey; M & A Franco Sanitation, a corporation of the State of New Jersey, with offices at 14 Hillsdale Terrace, Lodi, New Jersey; Marangi Bros., Inc., a corporation of the State of New Jersey, with offices at 408 Patton Place, Wyckoff, New Jersey; Modern Industrial Waste Service, a corporation of the State of New Jersey, with offices at 251 Second Street, Saddle Brook, New Jersey; Piccini Sanitation, Inc., a corporation of the State of New Jersey, with offices at 23 Grove Street, Waldwick, New Jersey; Pinto Services, a corporation of the State of New Jersey, with offices at 41 Church Street, Lodi, New Jersey; Policastro Service, Inc., a corporation of New Jersey, with offices at 68 Richard Street, Parsippany, New Jersey; Round Lake Sanitation Corp., a corporation of the

State of New Jersey, with offices at Lake Road, Monroe, New York; A. Rizzo Carting, with offices at 1378 Ratzer Road, Wayne, New Jersey; Fiorillo Bros., a corporation of the State of New Jersey, with offices at Page & Schuyler Avenue, Lyndhurst, New Jersey; Mario's Portable Service, Inc., a corporation of the State of New Jersey, with offices at 288 Paterson Plank Road, East Rutherford, New Jersey; Jersey Carting, Inc., a corporation of the State of New Jersey, with offices at 288 Paterson Plank Road, East Rutherford, New Jersey; Nicholas Sanitation, a corporation of the State of New Jersey, with offices at 27 Iowa Avenue, Paterson, New Jersey; Torino Disposal Service, a corporation of the State of New Jersey, with offices at 239 Beech Court, River Edge, New Jersey, Appellants, appeal to the Appellate Division from the whole of the Order entered by the Board of Public Utility Commissioners on June 8, 1978 and served upon the attorney for the Appellants, June 26, 1978 by which Order the Board adopted the Hearing Examiner's Report and Recommendation, issued March 31, 1978 granting Bergen County a rate increase for sanitary landfill services, determining rate base, cost of capital, required return, test year deficit, revenue deficiency, total revenue requirement and estimated tariff cost per cubic yard and disposition of principal and interest in a certain escrow funds collected by Bergen County from users of the sanitary landfill from January 1971 through the

Mr. James Murphy, Principal Environmental Engineer for the County of Bergen, testified at length as to the Bergen County Landfill and its equipment. [1T 14-19; 3T 71-112].

The County of Bergen operated refuse disposal sites through the Bergen County Sanitary Landfill Department since 1958. These sites were located in Lyndhurst, New Jersey and the Overpeck area adjacent to Teaneck, New Jersey. [1T 16-17]. The Overpeck site was closed in May 1975 [1T 18, 3T 72], and all remaining equipment utilized at the Overpeck Landsite was transferred to the Lyndhurst site for use there. [3T 97].

While the record indicates that there was a scope of reduction in the scale of operations at Lyndhurst [3T 76], the following testimony indicates that the additional equipment was both needed and utilized there:

First, the Lyndhurst site was more difficult to operate. The slopes and depth of the refuse was great and required greater utilization of equipment [3T 79-80].

Second, in 1975, the Department of Environmental Protection ordered changes to take place at Lyndhurst in order to conform to its regulations. [3T 87-89]. In order to conform to those regulations, additional equipment was needed at Lyndhurst and the Overpeck equipment was utilized. [3T 91-92].

Third, this equipment was necessary both to correct past violations and to conform to those regulations in the continued operation of the landfill. [3T 99]. The additional equipment is used to cover refuse with dirt as required by the Department of Environmental Protection [3T 103], and for maintenance of roads. The additional equipment enabled the County to prepare for the following day during operating hours as set forth by the Department of Environmental Protection and also eliminated the need for overtime. [3T 103-104]. Thus, the Lyndhurst site, by virtue of the Overpeck equipment, was able to maintain a more efficient operation and one which complied with the standards set forth by the Department of Environmental Protection. [3T 104].

Based upon the foregoing, it is respectfully submitted that the Board's determination of rate base is fully supported by the record and applicable legal principles. Cf. In re: New Jersey Power & Light Co., supra., 9 N.J. at 523.

B) EXPENSE

It is also well settled in this State that it is equally as important in a proceeding of this nature to determine the reasonableness of the items of expense and income to be allowed in computing the operating and net income of the public utility as it is to determine the rate base to which this net income is applied in the computation of the rate of return. In re: New Jersey Power & Light Co., supra., 9 N.J. at 525; Public Service Coordinated Transport v. State, supra., 5 N.J. at 222.

(see Exhibit "C" attached hereto and made a part hereof) to be applied. Further, the County has been ordered to show cause why the suspension should not be made permanent and has set January 21, 1971 as the hearing date.

4. In the Order to Show Cause, the Board of Public Utility Commissioners stated that the County's "...solid waste disposal operations are subject to the jurisdiction of the Board of Public Utility Commissioners pursuant to N.J.S.A. 43:2-13..." (see Exhibit "D" attached hereto and made a part hereof.)

5. The County of Bergen is not subject to the jurisdiction of the Board of Public Utility Commissioners pursuant to N.J.S.A. 43:2-13.

6. The County will suffer immediate, substantial and irreparable injury from the suspension of the rate increase because of the following factual situation:

A large portion of the daily waste disposal is conducted on a cash basis with customers who do not make regular use of the landfill. Further, no record of these cash customers are kept, thus, the County will be unable to recover the difference between the November 6, 1970 rates, which are being applied pursuant to the P.U.C. Order and the rates of January 6, 1971.

Wherefore, plaintiff demands Judgment against defendants as follows:

(a) Enjoining the defendants from suspending the rates of January 6, 1971, and

(b) Enjoining the defendants from conducting a Hearing into the reasonableness of the rates on Thursday, January 21, 1971, at 10:30 A.M. Prevailing Time, Room 203, 101 Commerce Street, Newark, New Jersey, and ordering the

BOARD OF PUBLIC UTILITY COMMISSIONERS
DOCKET NO.

IN THE MATTER OF THE PETITION OF
THE COUNTY OF BERGEN FOR AUTHORIZATION
TO INCREASE FEES CHARGED FOR DISPOSAL
OF WASTE MATERIAL AT THE COUNTY
LANDFILLS (FOR 1974)

TO: THE HONORABLE BOARD OF PUBLIC UTILITY COMMISSIONERS

Pursuant to the Regulations of the Board of Public Utility Commissioners, the County of Bergen, a body politic and corporate of the State of New Jersey, hereby petitions the Board of Public Utility Commissioners, for an Order authorizing an increase in fees charged for the disposal of waste material at the County Sanitary Landfills.

Petitioner bases its claim for relief upon the following facts:

1. The County first began its sanitary landfill operation in 1952, when an experimental landfill project was set up in the Overpeck area of Teaneck, New Jersey. Two communities, Teaneck and Leonia, brought refuse to this site. On July 1, 1955, the Overpeck Landfill was opened and, subsequently, other sites were opened in Rutherford and Lyndhurst. Today 56 municipalities with a population of nearly 1,000,000 people dispose their refuse at the County's Sanitary Landfill. In addition, private scavengers who have contracts with private Bergen County citizens and commercial and industrial firms in Bergen County use these facilities for the disposal of solid waste from Bergen County only.

2. Bergen County's petition for an increase of the 1971 rates is yet unresolved. The hearing examiners report and recommendation were received on January 23, 1974. The County of Bergen thereupon filed exception to the Hearing Examiners' Report. The County, anticipating a response to these exceptions, delayed the filing of this petition. At this time, the County has received no response to its exception.

1 Q As well as the landfill known as the Lyndhurst
2 site? A Yes, Sir.

3 Q The Overpeck site, again for the record, was
4 closed in 1975, is that correct?

5 A May 8, 1975.

6 Q And the Public Utility Commission approved
7 certain curtailment of service at the Lyndhurst site, is
8 that correct? A Yes, Sir.

9 Q Prior to that Board order, would you tell us
10 the scope and nature of the landfill operations as ran by
11 the County, what type of material was taken in, what loca-
12 tions and approximately how much material?

13 A At the Overpeck site was primarily residential with
14 some trailer loads from the City of Englewood and a minimal
15 number of trucks coming from the commercial-industrial
16 sector. The total tonnage at the Overpeck site at that
17 time ran about 1600 tons a day.

18 Q And Lyndhurst?

19 A The Lyndhurst site was primarily commercial-industrial,
20 oversized objects, bulky waste, demolition with a minimum of
21 household waste being received and ran approximately 32 to
22 3300 tons a day.

23 EXAMINER MEHR: That first was 1600?

24 THE WITNESS: Yes.

25 EXAMINER MEHR: Overpeck was 1600.

1 January. That, divided by - I do believe there were 26
2 working days in January; I am not certain. Yes, 26 working
3 days would give us a daily average, then, at that point. If
4 we still have the calculator, we can work that back.

5 Q Close to 2,000 yards, would you say that would
6 be fair? A Yes.

7 Q Now, in the course of handling the Overpeck
8 material, again prior to closure, do you have any figures
9 which would indicate the number of trucks which would have
10 delivered the roughly 3800 cubic yards a day?

11 A Well, the month of January, 7,301 trucks delivered at
12 Lyndhurst.

13 Q How about Overpeck, do you have that?

14 A Yes, the Overpeck in January was receiving 4,264
15 trucks during the month of January on 26 working days.

16 Q So Lyndhurst would be a daily average of
17 roughly 280 trucks?

18 A Yes, that's close. I haven't done the mathematics.

19 Q Per day, and Overpeck 164. Would that be?

20 A Yes.

21 Q Yes? A I will make available to you
22 the actual records that show this on a per day basis if you
23 wish.

24 Q Well, I believe those figures are reflected
25 on that exhibit. A Yes, they are, but I haven't